

**FISHER ISLAND MUNICIPAL ADVISORY COMMITTEE
COMMITTEE MEETING**

UNAPPROVED MINUTES FOR
WEDNESDAY, JANUARY 26, 2005

FISHER ISLAND TENNIS CENTER

1. Call to Order

With MAC Chairperson, Ira Ostrow presiding, the January 26, 2005 Fisher Island MAC meeting was called to order at 6:00 PM.

2. Role Call

Present were the following:

Robert Vole
Jorge Garcia
Javier Acosta
Ira Ostrow
Carolyn Sakolsky

3. Approval of Minutes

The Minutes of the 12/15/04 meeting were distributed to MAC members and to Jason Rodriguez. Those minutes will be reviewed and approved at the next meeting.

Mr. Ostrow called a motion to approve the Minutes of the 11/17/04 meeting. The motion was seconded a vote was taken and the Minutes were approved.

4. Metro-Dade Police Department Follow-up Presentation.

Captain O'Donnel, two other officers and two members of the Miami-Dade Police Department Legal Bureau return for further discussion on the police coverage needed for the island.

Captain O'Donnel explained that in looking back at the ordinance there is a key issue, which is the word "patrol". The interpretation they have gotten from County and legal staff is that the word patrol means a proactive and active type of force, compared to what the island has now and what the MAC would like which responds only to a call for service.

The Miami-Dade Police Department feels that they need to be proactive, because although there is not a lot of crime on the island there is a lot interaction with people. Based on the word "patrol" as it stands, the Miami-Dade Police Department is going to stand with the original presentation given of the 17 officers and 24/7 operation.

Captain O'Donnel introduced his supervisor A.D. Patterson and members of staff and asked if there were any questions based on what he said.

Mr. Ostrow thanked him and had no further questions.

Q: At the last meeting you stated that you had alternate options and that you were going to offer them. Are you saying that since then....?

A: We were looking at them and we discussed how it would affect other MACs or small communities looking to incorporate, such as Fountain Bleu.

Q: At that time you stated that the uniqueness of us was that those places had active calls and active police on a daily basis in their community and it was absolutely necessary for them to have something like you proposed. You even agreed at that point that Fisher Island is unique compared to that because on a daily basis there are no police here and no police calls and nobody active and that you guys would work with that because obviously it's a totally different than anywhere else.

A: I did state that Fisher Island was unique and I continue to state that.

Mr. Ostrow stated that police departments choice to stand by their proposal is unacceptable to the community and this will be challenged. Mr. Ostrow feels the police department is holding up the community because the proposal was an overwhelming and the community has no choice but to go with the Miami-Dade Police Department. Mr. Ostrow explains that "Favored Nation" does not apply in the case of the Fisher Island Community.

Captain O'Donnel states that this is the policy at this time and that they have to stick to it.

Mr. Ostrow explains that he read the ordinance more than once and not once did he see the words "Favored Nation Status".

Captain O'Donnell states the key word being looked at is "patrol". Patrol means taking a proactive part as opposed to a reactive part. Response time to the island is 20 minutes, and the department feels they need to be available for quicker

response.

MAC member raises the issue that until now there is no police patrolling, there hasn't been police patrolling, and the department is saying that now incorporating the city the department has to now have police patrolling, which is not being done at present.

Carolyn Sakolsky asked if it was possible for them to recommend that if they continue to pay as a donor community and keep the current private security of the island the cost for police coverage could be less.

Captain O'Donnel says something to that effect would be in the hands of the policy makers.

The MAC members want to know if the department has a legal definition of the word "patrol". Jorge Garcia brings up that in the prior presentations the word patrol never came up. Mr. Garcia would like clarification because in the case of Doral there are public roads that the department has attended to prior to incorporation, but the case here is that the department has not attended these roads or had this system in place prior to this incorporation effort. Mr. Garcia would like to know how today the department brings on the "patrol" word and an ordinance that was not previously discussed. Mr. Garcia explains that the original area that needed police patrol was terminal island, not the private roads within the island.

Captain O'Donnel says that the word patrol was in the Power Point presentation of 11/17/04.

Mr. Garcia explains that originally they were supposed to provide three proposals a low end, a mid range and a high end, yet the only proposal presented was the high end.

Mr. Ostrow wants to know where have the patrol requirements been since 1987 to 2004, when we got maybe one police car a day and for weeks not seeing anyone and having to call your lieutenant to get someone out. All of a sudden comes the heroics of 24/7 coverage.

A member of the police department team explains that Captain O'Donnell is acting within the confines of the current policy.

MAC members would like to know the department's definition of the word "patrol".

A member of the police team reads as follows: "As a condition of incorporation

approved pursuant to Article 5 of the Miami-Dade County... Charter, each new municipality shall include a provision in its charter and shall agree to contract the Miami-Dade Police Department and pay for local patrol police services for three years or such longer period of time as may be requested by the municipality."

Carolyn Sakolsky feels that one police officer in a golf cart meets that law. However, if his union or another person says he has to have two policemen and a secretary and something else, then that is a different standard and the MAC is trying to figure out which standard to meet.

Javier Acosta asks if a police officer from Metro-Dade County has the right to ticket a car wrongfully parked in a privately owned garage unit or establishment. Inside the garage on private property.

Police department responds no.

Carolyn Sakolsky wants to know if the island is private how does this affect police coverage.

Mr. Ostrow informs that when he met with Major Thompson and State Uniform Traffic Control it was stated that routine patrol on private property is not permitted and there is no enforcement ability. "Routine patrol on private property is not permitted and no enforcement ability" that was the entire discussion. Mr. Ostrow was given a copy of the 2003 Florida Statutes of Motor Vehicle State Uniform Traffic Control and Jurisdiction: "A county may exercise jurisdiction over any private road or roads or over any limited access road or roads owned or controlled by a special district located in the unincorporated area within its boundaries if the county and party or parties owning or controlling such roads or private roads by written agreement approved by the governing body of the county or county traffic control..."

Mr. Ostrow explains that basically what they were saying was that they're not invited and the island needs to give them a permanent invitation. That is exactly how Major Thompson put it. They needed a permanent invitation. The point is that for 17 years the community has been paying taxes diligently, had minimum police coverage over the years and in many cases none at all, and now we're being told the island needs a 17 member police force. Something is very wrong with this system.

Mr. Ostrow asks the police department to create a formal statement of offer detailing everything they want to detail; that states the department's clear cut provisions and present it to the MAC.

Carolyn Sakolsky wants the formal proposal to include that the department wants 17 people that can't even come on the island because it's private. The MAC is not asking the department to patrol private property. She wants the department to recognize that what they will be patrolling will be the only portion of this city to be incorporated that will be public, which may be 400 square feet.

Carolyn Sakolsky asks the police department to reconsider a recommendation to the commission as she suggested previously regarding the mitigation fees.

Jason Rodriguez advises that these suggestions would best be addressed on the conceptual agreement for the county staff to take to the legal department, which ultimately to approve you have to submit the conceptual agreement. The MAC needs to continue and in the end the MAC can take up the disagreements with the Board of County Commissioners.

Mr. Ostrow feels that the police issue needs to be dealt with before going to the commissioners. He suggests the police department rethink the numbers and come back with a formal response or provide a letter stating that the proposal made on 11/17/04 is their final offer. Carolyn Sakolsky will make the request in writing to the department.

5. Post Public Hearing Discussion

Mr. Ostrow explained that the meeting had very good attendance. Out of 170 residents there 145 handed in sign up sheets in favor of incorporation. The MAC is moving ahead as per public consensus.

Mr. Rodriguez explained the next major step for the MAC is to start working on a pro forma budget.

Mr. Ostrow feels the police department as a subcontractor is acting like all other contractors that come to Fisher Island – they overstate because it is Fisher Island.

Carolyn Sakolsky wants to know if the pro forma budget can show less for the police department than proposed. She asks Jason who gets the budget before it goes to the commissioners.

Jason says it goes to the Office of Strategic Management first.

Michael Pose clarifies that the road around the golf course was dedicated to the City of Miami Beach.

Mr. Ostrow thinks an interlocal agreement with Miami Beach can be a very large asterisk to pay attention to.

Jason feels it's an interesting approach, but the ordinance does say to contract with the Miami-Dade County Police for three years.

Mr. Ostrow asks if any questions regarding the January public meeting.

6. **Next MAC Meeting:** Wednesday, February 23, 2005; 6 PM
Agenda will be discussion of Pro Forma Budget
7. **Adjournment:** Motion was made for adjournment and seconded and the meeting was adjourned.